

UNITED STATES DISTRICT COURT  
for the  
District of South Carolina

Ashley II of Charleston, LLC,  
*Plaintiff*

v.  
PCS Nitrogen, Inc.,  
*Defendant, Third Party Plaintiff*

Civil Action No. 2:05-2782-MBS

v.

Ross Development Corporation; Koninklijke  
DSM N.V.; DSM Chemicals of North America  
Inc.; J. Holcombe Enterprises, L.P.; James H,  
Holcombe; J. Henry Fair, Jr.; Allwaste Tank  
Cleaning, Inc. n/k/a PSC Container Services,  
LLC; Robin Hood Container Express, Inc.; City  
of Charleston, South Carolina  
*Third Party Defendants*

AMENDED **JUDGMENT IN A CIVIL ACTION**

The court has ordered that *(check one)*:

☒ other: PCS Nitrogen, Inc., is successor-in-interest to former Site owner, Columbia Nitrogen Corporation.

This action was *(check one)*:

☒ tried by the Honorable Weston C. Houck, United States District Judge presiding, without a jury and the above decision was reached. The court having made its Finding of Fact and Conclusions of Law.

It is further ordered that *(check one)*:

☒ the plaintiff, Ashley II of Charleston, LLC recover from the Third Party defendant Ross Development Corporation, the amount of Eighty-Seven Thousand, Four Hundred Four and 82/100 (\$87,404.82) Dollars plus interest, defendant PCS Nitrogen Inc., the amount of Fifty-Eight Thousand, Two Hundred Sixty-Nine and 88/100 (\$58,269.88) Dollars plus interest, and Third Party defendant Robin Hood Container Express Inc., the amount of One Thousand, Nine Hundred Forty-Two and 32/100 (\$1,942.32) Dollars, plus interest which represents those parties' respective shares of the total past CERCLA response costs of One Hundred Ninety-Four Thousand, Two Hundred Thirty-Two and 94/100 ( \$194,232.94) Dollars incurred by Ashley prior to this suit. Post Judgment interest shall run at a rate of .25 %.

☒ declaratory judgment is entered for Ashley II of Charleston, LLC against Ross Development Corporation, PCS Nitrogen Inc., and Robin Hood Container Express Inc. for future response costs at the Site in the respective percentages of 45%, 30% and 1% of the amounts incurred.

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■ judgment on partial findings is entered for Third Party defendant, Allwaste Tank Cleaning, Inc. n/k/a PSC Container Services, LLC; against Third-Party Plaintiff, PCS Nitrogen, Inc.; Third Party Defendant Ross Development Corporation; Third Party defendant, Robin Hood Container Express, Inc.; and Third Party defendants James H. Holcombe, J. Holcombe Enterprises, L.P., and J. Henry Fair, Jr., and this case is dismissed with prejudice as to defendant Allwaste Tank Cleaning, Inc. n/k/a PSC Container Services, LLC.

■ judgment is entered as a matter of law as to Third Party defendants, James H. Holcombe, Jr., Holcombe Enterprises LP and Henry Fair, Jr., against Third Party plaintiff, PCS Nitrogen Inc., and Third Party defendants, Ross Development Corporation and Robin Hood Container Express Inc., and these claims are dismissed with prejudice.

■ summary judgment is entered for Third Party defendants, Koninklijke DSM NV and DSM Chemicals of North America Inc against Third Party plaintiff, PCS Nitrogen, Inc.; Third Party defendant Ross Development Corporation; Third Party defendant, Robin Hood Container Express, Inc.; and Third Party defendants James H. Holcombe, J. Holcombe Enterprises, L.P., and J. Henry Fair, Jr., and this case is dismissed with prejudice as to defendants Koninklijke DSM NV and DSM Chemicals of North America Inc.

■ tried by the Honorable Margaret B. Seymour, United States District Judge presiding, without a jury and the above decision was reached. The court having made is Finding of Fact and Conclusions of Law and further granting defendants' Koninklijke DSM NV and DSM Chemicals of North America Inc., motion for summary judgment.

Date: October 14, 2010

CLERK OF COURT

s/Angie Snipes

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*Signature of Clerk or Deputy Clerk*